band. The mere marital relationship will not establish the agency. *Baker* v. *Witten,* 1 Okl. 160; *Wanamaker* v. *Weaver,* 176 N. Y. 75. The husband's failure to disaffirm his responsibility for his wife's purchase of hats for his daughter, they being non-necessaries, was held to amount to ratification, and he was liable. *Auringer* v. *Cochrane,* 225 Mass. 273, 15 MICH. L. REV. 521. The wife's authority to act as agent for her husband may be implied from the husband's absence under some circumstances. See SCHOULER, MARRIAGE, DIVORCE, SEPARATION, AND DOMESTIC RELATIONS (Ed. 6), §§ 135-145. The agency may be terminated by notice to the third party. Such notice was imputed, where the wife's father was an officer of the bank where the husband kept his funds. When she checked out these funds after separation from her husband the bank was held liable for the money paid to the wife, although she had been accustomed to check against his account to pay current expenses of his business. *Addison* v. *Dent County Savings Bank of Salem* (Mo. 1920), 226 S. W. 323. Where a wife deserted her husband and went to live with another man, her order of goods on the husband's credit, with delivery at her changed address, was held to give the merchant notice sufficient to terminate the agency. *Swan* v. *Mathieson,* 27 Times L. Rep. 153. The principal case seems sound in holding that the husband's liability continues, even after desertion by the wife, until notice of the fact to the merchant, since the liability is based upon the appearance from previous conduct that the wife was authorized to act generally for her husband.

JURORS—REFUSAL TO EXCLUDE JUROR HAVING AN OPINION AS TO DEFENDANT'S GUILT.—A statute provided that a juror having an opinion not positive in its character, or not based on personal knowledge of the facts, shall not be disqualified provided he swears he can render an impartial verdict according to the evidence, and the court believes he can do so. The question was whether one who had formed an opinion from reading newspaper accounts of a previous trial, but who swore that he could set his opinion aside, and render a verdict according to the evidence, was disqualified. *Held,* by a divided court, that, the opinion being founded on newspaper reports, it would be a reflection upon a man's intelligence and integrity to find that notwithstanding such opinion he would not be able to base his verdict solely upon the evidence, when he swears he can do so, and the court believes him. *People* v. *Garner,* (Mich., 1921), 184 N. W. 577.

The common law rule, as recognized in this country, did not require the disqualification of a juror simply because he had formed an opinion as to the guilt or innocence of the accused, but held him incompetent only in case the opinion was so strong as to prevent him from rendering a verdict according to the evidence. See note to *Smith* v. *Eames,* 36 Am. Dec. 522. The statute involved in the principal case is declaratory of this principle, and the question for the court to decide is whether the character of the opinion is such as to disqualify. Whether an opinion formed from reading newspaper reports is of such a character as would necessarily prevent a juror from deciding a case according to the evidence is in conflict. The majority of cases hold that an opinion based upon such information does

not necessarily disqualify. *State* v. *Baker,* 33 W. Va. 319; *State* v. *Ford,* 37 La. Ann. 443. See note to *Scribner* v. *State,* 35 L. R. A. n. s. 985. The reasoning upon which these cases rest is most aptly put by the West Virginia court in *State* v. *Baker, supra,* saying that to disqualify such a juror "would put a premium upon ignorance, and a discount on reading and intelligence; and the unbending application of such a rule would practically disable the courts from securing juries of adequate capacity to fitly decide grave and momentous causes." On the other hand there are several courts which hold that an opinion based upon newspaper reports of a previous trial does disqualify. *Greenfield* v. *People,* 74 N. Y. 277; *Staup* v. *Commonwealth,* 74 Pa. St. 458; *State* v. *Culler,* 82 Mo. 623. The theory of these cases is that the source of information is such that the juror cannot possibly set aside his opinion, but will unconsciously be swayed by it. As said by the court in *Greenfield* v. *People, supra,* "can that mind be unbiased in the second pondering, of the same testimony, which has already caused it to preponderate and settle it to or towards a conclusion." The force of this argument cannot be denied, but justice would be more intelligently administered by applying the rule laid down in the principal case. On principle a juror should never be disqualified simply because he has an opinion as to the merits of the case. It is only when the opinion is so strong that the juror could not render an opinion according to the evidence, that he should be declared incompetent.

MARRIAGE—FRAUDULENT REPRESENTATION—ANNULMENT.—Defendant induced the plaintiff to marry her by representing to him that her pregnancy was the result of his illicit relations with her, though she then knew that another was the cause of her condition. Plaintiff did nothing to investigate the truth of her representations. *Held,* the fraud was ground for annulment of the marriage. *Jackson* v. *Ruby,* (Me., 1921), 115 Atl. 90.

Ordinarily a wife's pregnancy by another man at the time of her marriage, if unknown to her husband, is ground for annulment of the marriage, *Reynolds* v. *Reynolds,* 3 Allen (Mass.) 605; *Harrison* v. *Harrison,* 94 Mich. 559. *Contra, Moss* v. *Moss,* (Eng.) 77 L. T. N. S. 220; but not where the wife's condition, though unknown to the husband, is a result of his own antenuptial incontinence. *McCulloch* v. *McCulloch,* 69 Tex. 682. The earlier cases quite commonly refused to free a husband who had been guilty of premarital incontinence with his wife, even though the marriage was induced by the representations of the wife that her pregnancy was caused by him, when she knew it was caused by another. In *Scroggins* v. *Scroggins,* 14 N. C. (3 Dev. L.) 535, where the husband and wife were white, and the child born a mulatto, the court refused relief on the theory that public policy required the preservation of the indissolubility of the marriage tie. But see *Barden* v. *Barden,* 14 N. C. (3 Dev. L.) 548 and *Bryant* v. *Bryant,* 171 N. C. 746. Some denied the petition of the husband on the ground that he did not come into court with clean hands. *States* v. *States,* 37 N. J. Eq. 195; *Seilheimer* v. *Seilheimer,* 40 N. J. Eq. 412. But this view has been rejected by other courts on the theory that the gravamen of the complaint is not the